

Pending a speech of Senator Davis, on motion of Senator Lair, Senate adjourned till 9:30 a. m. Monday morning, with the understanding that at that time Senator Davis shall be entitled to the floor to resume his argument.

## TENTH DAY.

SENATE CHAMBER,  
AUSTIN, April 17, 1882. }

Senate met pursuant to adjournment.

The President in the chair.

Roll called; quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Burges, the reading of the journal of Saturday was dispensed with.

Senator Shannon introduced a bill entitled "An act to prohibit railroad companies, their agents and employees, from making overcharges for carrying freight, and to provide penalties therefor." Referred to Committee on Internal Improvements.

Senator Browne introduced a bill entitled "An act to divide the State of Texas into eleven congressional districts, and to provide for the election of one member of Congress from each of the said congressional districts to the Congress of the United States." Referred to the Committee on Congressional Districts.

Pending the substitute of Senator Duncan, entitled "An act to set apart and appropriate one million acres of land for the benefit of the University of Texas and the public free schools, and to repeal an act entitled 'an act to provide for the sale of a portion of the unappropriated public lands of the State of Texas and the investment of the proceeds of such sale,' approved July 14, 1879, and the act amendatory thereof, approved March 11, 1881," being the substitute pending on adjournment, on Saturday, was taken up, Senator Davis in possession of the floor.

Senator Gooch, by permission, offered the following amendment to pending bill: Add a section next before the last one, and number it and the next section in order, said section inserted to read as follows:

Sec — For every acre set apart or surveyed for the University, an equal quantity shall be set apart and surveyed in the same mode for the public free schools, and each fund shall pay its equal proportion for locating and surveying.

Senator Davis proceeded with his argument.

(Senator Martin in the chair.)

Senator Patton offered the following amendment to the amendment of Senator Gooch:

Amend the amendment by inserting between "University" and "an," where they occur in the amendment, "and for three hundred leagues set apart for the unorganized counties and surveyed or to be surveyed."

Senator Buchanan offered the following substitute for the amendments of Senators Gooch and Patton: Add to section one the following:

*Provided*, That the 300 leagues set apart for unorganized counties by act of March 20, 1881, entitled "An act to provide for designating and setting apart 300 leagues of land out of the unappropriated public domain for the benefit of the unorganized counties of the State, and to provide for the survey and location of the same," shall be first surveyed; and provided further, that a like amount of two millions of acres is hereby set apart out of said reservation for the endowment, support and maintenance of the public free schools of the State.

Senator Patton, by leave, submitted the following report:

COMMITTEE ROOM, }  
AUSTIN, April 17, 1882. }

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have examined Senate bill No. 28 "An act to amend the third, ninth, tenth and eleventh sections of an act entitled 'an act to provide for the sale of a portion of the unappropriated public lands of the State of Texas, and the invest-

ment of the proceeds of such sale,' approved July 14, 1879, and the act amendatory of sections one and six of said act, approved March 11, 1881, and to add an additional section to said act," and find the same correctly engrossed.

PATTON, Chairman.

Senator Duncan moved to excuse Senator Lair for the day, on account of sickness. Adopted.

Senator Davenport moved to refer the pending bill, substitute and amendments to Committee on Public Lands. Lost by the following vote:

YEAS—12.

Burton,	Harris,	Rainey,
Davenport,	Lightfoot,	Ross,
Davis,	Martin,	Shannon,
Duncan,	McLane,	Tilson.

NAYS—12.

Brown,	Hightower,	Swain,
Buchanan,	McDonald,	Terrell,
Gooch,	Patton,	Weathered,
Henderson,	Stubbs,	Wynne.

(The President in the chair.)

The pending substitute of Senator Buchanan coming up, Senator Gooch rose to a point of order that the substitute was not in order because it was a substitute for an amendment to the pending bill and an amendment to said amendment. The President decided the point of order well taken.

The question being on the amendment of Senator Patton, on motion of Senator Stubbs, the Senate adjourned to 9:30 a. m. to-morrow, the amendment of Senator Patton pending.

## ELEVENTH DAY.

SENATE CHAMBER, }  
AUSTIN, TEXAS, April 18, 1882. }

Senate met pursuant to adjournment.

The President in the chair.

Roll called; quorum present.

Prayer by Rev. Mr. Brown, Chaplain of the House.

On motion of Senator Rainey, the reading of the journal of yesterday was dispensed with.

On motion of Senator Martin, Senator Stewart was excused indefinitely.

Senator Burges, by request, presented a memorial from the citizens of Texas, asking an appropriation by the Legislature for the benefit of certain citizens, survivors of the Dawson massacre; also a widow of one of the deceased survivors. Referred to Committee on Private Land Claims.

Senator Gooch presented the following invitation from the citizens and firemen of Palestine:

PALESTINE TEXAS, April 14, 1882.

Hon. J. Young Gooch, Senator:

DEAR SIR—The citizens and firemen of the city of Palestine, appointed to make due preparation for the celebration of San Jacinto day, have directed me to extend to you, and through you to the Senate of the State of Texas, an invitation to be present with us and join in the festivities of that occasion. A special train will leave the International depot, Palestine, at eight o'clock a. m., on Friday, the twenty-first instant, and will proceed to Long Lake, where appropriate exercises will take place in honor of the day, and where, should the Senate accept the invitation thus tendered, the people of this portion of your senatorial district will be proud to extend to yourself and colleagues a hearty welcome.

By order of the committee of arrangements.

JOHN M. LINK, Chairman,  
JAMES HAND, Secretary,  
J. F. PELLIS, Treasurer,  
C. A. STERNE,  
THOS. HALL,  
ED. DILLEY,  
C. W. KOUNS,  
B. W. HOWARD,  
THOS. RICHARD,  
MARTIN HINZIE.

Referred to Committee on State Affairs.

Senator Houston, chairman of the Committee of Statistics and History, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, April 17, 1882.

Hon. L. J. Stoney, President of the Senate:

Your Committee on Insurance, Statistics and History, to whom was referred special message of the Governor, dated April 11, 1882, have instructed me to report the same back to the Senate, with the recommendation that it be referred to your Committee on Finance.  
Houston, Chairman.

The special message was referred, on motion of Senator Houston, to Finance Committee.

Senator Wynne introduced the following bill, to be entitled "An act to regulate the duties and rights of railroad companies in this State, connecting with, or intersecting, or crossing each other, and to prevent discrimination." Referred to Committee on Internal Improvements.

Senator Terrell presented the following memorial from the managers of the Insane Asylum:

AUSTIN, TEXAS, April 17, 1882.

To the Honorable Senate and House of Representatives in the Legislature assembled:

We, the Board of Managers of the Insane Asylum, respectfully report that on the thirteenth day of April instant one of the buildings of said asylum was destroyed by fire; that said building was occupied by forty-six patients, and that there is not room for the care and protection of said patients, and that an actual necessity exists for more room, and that by an estimate made by the present contractor on the new buildings now being erected, that a building can be constructed for temporary use, 80x20 feet, for \$1400, and that said building can be ready for use in fifteen days. We respectfully recommend that the amount be appropriated to do the work at once.  
J. H. COLLETT, President pro tem.

Referred to Committee on Asylums.

The following messages were received from the Governor:

EXECUTIVE OFFICE,  
AUSTIN, April 15, 1882.

To the Honorable Senate and House of Representatives in Legislature assembled:

I respectfully recommend that the unorganized county of Crockett be attached to some organized county for judicial purposes. I also recommend that an act be passed authorizing the district judges, or some other authority in the State, to appoint a time and a place of holding the district court in any of the counties that have been, or may be organized, wherein there is, or may be, no law fixing a time or place of holding district courts in said newly organized county or counties.

Which subjects of legislation are respectfully submitted for action at this special session.

Respectfully,  
O. M. ROBERTS, Governor.

Referred to Committee on Judicial Districts.

EXECUTIVE OFFICE,  
AUSTIN, April 15, 1882.

To the Honorable Senate and House of Representatives, in the Legislature assembled:

I respectfully submit for your action at this special session as subject for legislation, any and every thing that may be deemed proper to be done for the Texas veterans, and for the widows of Texas veterans, for the survivors of the Dawson massacre, and for their widows; for those who have formerly received pensions, and for their widows, and for crippled Confederate soldiers.

In this connection, I herewith submit to you the memorial of the Texas veterans, whose certificates for land lately granted to them have not been finally disposed of, and recommend favorable action for them. I would beg leave to suggest, in behalf of the Texas veterans, that as they are to meet in a few days at Waco, it might be practicable then to ascertain who of them are in need of aid for their permanent support during the balance of their lives, and upon ascertaining that fact, I would respectfully recommend that an annual pension be given to such persons, naming each of them who are to receive it.

An occasional bounty of land as heretofore granted to them is but little permanent advantage, as their pressing necessities have caused most of them to dispose of their certificates. Even a small pension to those who need it, given to them regularly and permanently, would benefit them pecuniarily; and such a recognition of their merits by the government which they helped to build up,

would be a cheering solace in their few remaining years of life more dear to them than the money given to them by those who are now enjoying the benefits of their early privations and labors.

Respectfully submitted,  
O. M. ROBERTS, Governor.

AUSTIN, TEXAS, February 13, 1882.

To His Excellency, O. M. Roberts, Governor of Texas:

The petition of the undersigned, a portion of the veterans of the late Republic of Texas, and the widows of veterans, respectfully represents that shortly after the passage of the act of the Legislature donating to each of us a land certificate, locatable as headright certificates, upon any of the public domain, and repealing all acts in conflict, we conceived the idea of locating our certificates upon the domain embraced within the limits of Greer county, believing that we would, by such action, greatly benefit ourselves, in that we could locate our certificates upon land that had not been picked and culled, and at the same time be of great service to our beloved State, in being instrumental in relieving her from the unpleasant controversy with the United States in regard to the ownership of this territory.

Accordingly, we went to work, and after great labor and expense, firmly believe that we have brought to light such facts in regard to the disputed boundary as would fully establish the claim of Texas in a court of justice.

At first we implicitly believed, from the plain wording of the act, that it was the intention of the Legislature, in granting these certificates, to repeal so much of the laws setting apart certain portions of the public lands for school purposes and payment of the State debt as would permit the veteran certificates to be located upon any of the public domain.

But when we were preparing to make our files, we were informed that they would be of no force or effect, because the Legislature could not repeal the provisions of a pre-existing law without referring to it in express terms.

We therefore respectfully ask your Excellency to recommend to the Legislature, at its called session, to pass an act permitting us to locate our certificates in Greer county, or other portions of the reservation, should we fail to hold Greer county.

Wm. Phillips, Mrs. Bethany Johnson, Mrs. Amanda F. Dinsmore, James Burch, D. H. McFaddin, Mrs. Cordelia Armstrong, G. C. Braner, Geo. B. Erath, Chas. R. Duncan, Mrs. Amanda Wright, B. F. Whittaker, Mrs. Juan Hensley, W. W. Hornsby, W. H. Bishop, John Swenney, Edward Marton, Gustave Ely, F. W. Johnson, President Texas Veteran Association; John M. Swisher, for himself and as attorney for the following persons: Mrs. Eva Lancaster, Mrs. E. P. Anderson, Mrs. G. H. Love, James M. Hill, Phillip Howard, T. B. Pier, B. F. Foster, Mrs. Betsy C. Cochran, Mrs. Sallie McKinney, Mrs. Hermine Bunton, N. Austin, C. M. Jones, L. C. Cunningham, Mrs. M. Montgomery, Josiah Dykes, Richard Hope, R. O. W. McManus, S. Y. Reams, Wash. Anderson, W. P. Zuber, John Ingram, E. Swearingen, Mrs. Julia A. Thomas, A. Bullington, Pendleton Rector, Eliza A. Billingsley, Jno. Harvey, Pleasant McAnelley, Robert Fletcher, Mrs. L. K. White, Oscar Farish, J. W. McHorse, Walter P. Lane, John Pollan, John Mackey, Robert Price, Mrs. Sidney L. Cole, Simon P. Ford, Emile Vanderpool, B. A. VanSickle, Teresa Luckey, Sam McCulloch, John E. Tom, Miranda Colley, Mary I. Hamm, Z. Robinson, James Cunningham, Geo. W. Davis, Mrs. Sarah J. Connell, Jennings O'Banion, Wm. P. Tindall, Mrs. Mary Ann Ables, Silas Edens, Mrs. Sophronia Castleman, Mrs. Marina Cassillas Zunigas, Isaac Reed, Wm. Gondin, A. J. Sowell, Mrs. Aris Mays, Preston Blaud, Mrs. Florida West, Alphonso Steel, Sanders Walker, Willis Avery, Chas. B. Stewart, Campbell Taylor, Mrs. Martha McCoy, Mrs. Martha C. Tobin, J. H. Herron, Mrs. Azubah Ward, Mrs. Eliza Gazlers, Philip Walker, Mrs. Sarah L. Cox, Mrs. M. H. Scott, Sam G. Evetts, Granville C. Shaw, Mrs. Louisa, Dunn, Jos. T. Cook.

The message, with accompanying petition, was referred to Committee on Public Lands.

Substitute for Senate bills 20 and 22, "An act to set apart and appropriate two million acres of land, for the benefit of the University of Texas, out of the reservations made by the act of July 14, 1879, and to provide for the survey, location and sale of the same," with substitute by Senator Duncan and amendments by Senators Gooch and Patton, being the special order for this hour, was taken up, the amendment of Senator Patton to Senator Gooch's amendment pending.

Senator Duncan moved that the Senate stand adjourned till 9:30 a. m. to-morrow and that Senator Davenport have the floor at that hour. Lost by the following vote:

	YEAS—5.	
Burton, Davis,	Duncan, Harris,	Wynne.
	NAYS—22.	
Brown, Buchanan, Burgess, Gooch, Henderson, Hightower, Homan, Houston,	Lightfoot, Martin, McLane, McDonald, Moore, Patton, Rainey,	Ross, Stewart, Stubbs, Swain, Terrell, Tilson, Weatherred.

Senator Duncan moved to adjourn till 3 o'clock. Withdrawn.

Senator Stubbs introduced a bill to be entitled "An act to provide annual pensions to surviving soldiers and volunteers in the war between Texas and Mexico, from the commencement of the revolution, in 1835, until the first of January, 1837, and also to the surviving signers of the declaration of independence of Texas, and to the surviving widows, continuing unmarried, of such soldiers, volunteers and signers." Referred to Committee on State Affairs.

Senator Burgess introduced a bill to be entitled "An act to amend section 1 of 'an act granting a land certificate of 1280 acres to each of the surviving soldiers of the Texas revolution and the surviving signers of the declaration of independence, and to the surviving widows of each soldier and signers, and to the widows of those who fell at the Dawson massacre,' and to repeal an act approved April 26, 1879, entitled 'an act granting a land certificate of 640 acres to each of the indigent veterans who were engaged in the struggle for Texas independence prior to and at the battle of San Jacinto, enrolled under the act approved July 28, 1876,' approved March 15, A. D., 1881." Referred to Committee on Private Land Claims.

Senator Swain offered a substitute for the pending bill, substitute and amendments. Ruled out of order.

Senator Davenport moved to adjourn till 9:30 a. m. tomorrow. Lost by the following vote:

	YEAS—8.	
Brown, Burgess, Davenport,	Davis, Duncan, Harris,	Martin, McLane.
	NAYS—18.	
Buchanan, Burton, Henderson, Hightower, Houston, Lightfoot,	McDonald, Moore, Patton, Rainey, Ross, Stewart,	Stubbs, Swain, Terrell, Tilson, Weatherred, Wynne.

Senator Duncan moved a call of the Senate; call seconded. Absent, Senators Homan, Lair and Shannon.

Senator Terrell moved to excuse absentees. Adopted.

Senator Patton moved the previous question on the amendment. Motion seconded and main question ordered by the following vote:

	YEAS—23.	
Buchanan, Burgess, Burton, Davenport, Duncan, Gooch, Harris, Hightower,	Houston, Lightfoot, McLane, McDonald, Moore, Patton, Rainey, Ross,	Stewart, Stubbs, Swain, Terrell, Tilson, Weatherred, Wynne.
	NAYS—4.	
Brown, Davis,	Henderson,	Martin.

Senator Patton's amendment to the amendment of Senator Gooch was adopted by the following vote:

	YEAS—25.	
Brown, Buchanan, Burgess,	Davenport, Duncan, Gooch,	Harris, Henderson, Hightower,

Houston, Lightfoot, Martin, McLane, McDonald, Moore,	Patton, Rainey, Ross, Stewart, Stubbs,	Swain, Terrell, Tilson, Weatherred, Wynne.
---	--	--

	NAYS—2.	
Burton,	Davis.	

Senator Duncan raised the point of order that as the previous question was moved generally, it applied only to the pending business.

Senator Terrell moved the previous question on the amendment as amended.

Senator Duncan raised the point of order that Senator Terrell's motion of the previous question could not be entertained while the decision of a point of order was pending.

The President decided that the point of order last raised could not be entertained until after he had ruled on the first. The first point of order he decided was well taken.

Pending an argument upon the question before the Senate by Senator Duncan, by permission, Senator Burgess moved to adjourn to 4 o'clock p. m., Senator Duncan to have the floor at that hour to resume his argument.

Adopted by the following vote:

	YEAS—17.	
Brown, Burgess, Burton, Davenport, Davis, Duncan,	Gooch, Henderson, Lair, Lightfoot, Martin, McLane,	Moore, Stewart, Swain, Tilson, Wynne.
	NAYS—12.	
Buchanan, Harris, Hightower, Homan,	Houston, McDonald, Patton, Rainey,	Ross, Stubbs, Terrell, Weatherred,

Senate adjourned to 4 o'clock p. m., the amendment of Senator Gooch, as amended, pending.

### AFTERNOON SESSION.

President Storey in the chair.

Roll called; quorum present.

Senator Duncan resumed his argument.

Senator Lightfoot offered the following amendment to Senator Gooch's amendment: Amend by striking out the word "acre," in first line, and insert in lieu thereof the following words, "every tract of land." Accepted.

Senator Houston moved the previous question on amendments, substitute and bill. Motion seconded, and main question ordered.

Senator Duncan moved a call of the Senate. Call seconded.

Senator Homan rose to a point of order, that a call of the Senate was not in order after the call for the previous question had been seconded. Point of order overruled.

Roll called. Absent, Senators Lair and Shannon.

Senator Duncan raised the point of order that on a vote to excuse the absent Senators this morning, the roll was not called, and consequently they were not properly excused.

Senator Houston objected, on the ground that exception to that ruling was not made at the time. Sustained.

Senator Duncan raised a further point of order that the excuse was for the time being, and did not extend to the afternoon session. Sustained.

Senator Gooch moved that the absent Senators be excused. Adopted, by the following vote:

YEAS—24.

Brown,	Houston,	Ross,
Buchanan,	Lightfoot,	Stewart,
Burges,	Martin,	Stubbs,
Gooch,	McLane,	Swain,
Harris,	McDonald,	Terrell,
Henderson,	Moore,	Tilson,
Hightower,	Patton,	Weatherred,
Homan,	Rainey,	Wynne.

NAYS—4.

Burton,	Davis,	Duncan.
Davenport,		

Main question ordered, and the amendment of Senator Gooch, as amended, passed by the following vote:

YEAS—28.

Brown,	Hightower,	Rainey,
Buchanan,	Homan,	Ross,
Burges,	Houston,	Stewart,
Burton,	Lightfoot,	Stubbs,
Davenport,	Martin,	Swain,
Davis,	McLane,	Terrell,
Duncan,	McDonald,	Tilson,
Gooch,	Moore,	Weatherred,
Harris,	Patton,	Wynne.
Henderson,		

NAYS—none.

The substitute of Senator Duncan was lost by the following vote:

YEAS—4.

Burton,	Davis,	Duncan,
Davenport,		

NAYS—24.

Brown,	Houston,	Ross,
Buchanan,	Lightfoot,	Stewart,
Burges,	Martin,	Stubbs,
Gooch,	McLane,	Swain,
Harris,	McDonald,	Terrell,
Henderson,	Moore,	Tilson,
Hightower,	Patton,	Weatherred,
Homan,	Rainey,	Wynne.

The bill was ordered engrossed by the following vote:

YEAS—19.

Brown,	Lightfoot,	Stewart,
Buchanan,	McLane,	Stubbs,
Gooch,	McDonald,	Terrell,
Henderson,	Moore,	Tilson,
Hightower,	Patton,	Weatherred,
Homan,	Rainey,	Wynne.
Houston,		

NAYS—9.

Burges,	Davis,	Martin,
Burton,	Duncan,	Ross,
Davenport,	Harris,	Swain.

The President laid before the Senate substitute House bill No. 43, "An act to repeal all laws granting lands or land certificates," with Senate amendment in which the House refuses to concur.

On motion of Senator Swain, the Senate receded from its amendment.

The President presented to the Senate the following invitation, which was read by the Secretary.

AUSTIN, April 18, 1882.

Hon. L. J. Storey, President of the Senate:

Sir—I have the honor to extend to you, and through you to the members and officers of the Senate, an invitation to attend the annual celebration and picnic of the Austin Fire Department, at Pressler's Garden, on San Jacinto Day, April 21, 1882.

Respectfully,

JOHN P. KIRK,  
Recorder Austin Fire Department.

Senator Ross moved to call up Senate bill No. 26, "An act to provide for the destruction of certain engraved bonds of the State, engraved under an act approved April 4, 1879, and which were never used." Adopted, and bill taken up and read second time, with report of committee and committee amendments.

Committee amendments adopted and bill ordered engrossed.

On motion of Senator Terrell, rules were suspended to place bill on its third reading by the following vote:

YEAS—23.

Brown,	Harris,	Moore,
Buchanan,	Hightower,	Rainey,
Burges,	Homan,	Ross,
Burton,	Houston,	Terrell,
Davenport,	Lightfoot,	Tilson,
Davis,	McLane,	Weatherred,
Duncan,	McDonald,	Wynne.
Gooch,		

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—25.

Brown,	Homan,	Rainey,
Buchanan,	Houston,	Ross,
Burton,	Lightfoot,	Stewart,
Davenport,	Martin,	Stubbs,
Davis,	McLane,	Terrell,
Duncan,	McDonald,	Tilson,
Gooch,	Moore,	Weatherred,
Harris,	Patton,	Wynne.
Hightower,		

NAYS—none.

Senator Gooch, chairman of Committee on State Affairs, by leave, submitted the following report, and moved its adoption.

COMMITTEE ROOM,  
AUSTIN, April 18, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on State Affairs have had under consideration the invitation of the citizens and firemen of Palestine, Anderson county, to the Senate, to join in celebrating San Jacinto Day. The time of the present session is so limited, and the business before it so important and urgent, that it would be unwise to accept it; we therefore recommend that the Senate decline the invitation, but express due appreciation for its extension. PATTON, Chairman.

Report adopted.

Senator Terrell moved to accept the invitation of the firemen of Austin to attend a picnic to be held at Pressler's Garden on the twenty-first instant. Adopted.

On motion of Senator Homan, Senate adjourned till 9:30 a. m. to-morrow.

TWELFTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, April 19, 1882. }

Senate met pursuant to adjournment.

Lieutenant-Governor Storey in the chair.

Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Swain, the reading of the journal of yesterday was dispensed with.

Senator Shannon introduced a bill to be entitled "An act to authorize district judges to fix times for holding district courts in newly organized counties." Referred to Committee on Judicial Districts.

Senator Henderson, chairman of Committee on Asylums, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, April 18, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Asylums, to whom was referred a memorial signed by the president of the board of directors of the State Lunatic Asylum has considered the same, and instruct me to report the accompanying bill and to recommend its passage. The burning of one of the asylum buildings during the present session renders immediate relief necessary that its late inmates may be temporarily provided for.

HENDERSON, Chairman.

Bill read first time.